

AP19 Rec'd PCT/PTO 30 MAR 2009

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: KOUSEMAKER ET AL - 1 PCT

SERIAL NO.: 10/562,409 EXAMINER: Ming Cheung PO

FILED: SEPTEMBER 8, 2006 GROUP: 1797

TITLE: METHOD FOR PRODUCING AN OXYGEN-CONTAINING
COMPOUND USED AS FUEL ADDITIVE, IN PARTICULAR IN
DIESEL FUELS, GASOLINE, AND RAPESEED METHYL
ESTER

RESPONSE TO NOTIFICATION

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the enclosed Notification dated March 19, 2009, Applicants submit herewith another copy of the literal English translation of the application as filed in the International Office which was previously submitted on December 23, 2005 as indicated in the attached return postcard indicating receipt by the PCT/PTO on that date and as evidenced by the September 25, 2006 Notice of Acceptance of Application under 35 U.S.C. 371 and 371 C.F.R. 1.495.

As the literal English translation was submitted with the application on December 23, 2005, it is believed that the Notice of Acceptance issued September 25, 2006 should not have been vacated and that the processing fee of \$130.00 under 37

C.F.R. 1.492(f) for submitting a translation of the application later than thirty months from the priority date should not be required; however, if a fee should be due, the Commissioner for Patents is hereby authorized to charge any such fee, or to credit any overpayment, to Deposit Account No. 03-2468.

Reinstatement of the Notice of Acceptance issued September 25, 2006 and acceptance of the application under 35 U.S.C. 371 and 37 C.F.R. 1.495 are respectfully requested.

Respectfully submitted,
Michiel Arjaan KOUSEMAKER ET AL

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FJD:cmm

Enclosures: copy of Notification mailed March 19, 2009, Literal English translation and copy of stamped postcard dated December 23, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 25, 2009.

Amy Klein

Amy Klein

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RECEIVED IN MAILROOM OF THE U.S. PATENT OFFICE

Applicants: KOUSEMAKER ET AL - 1PCT

PCT No.: PCT/DE2004/000999

Int'l Filing Date: MAY 13, 2004

Title: METHOD FOR PRODUCING AN OXYGEN-
CONTAINING COMPOUND USED AS FUEL
ADDITIVE, IN PARTICULAR IN DIESEL FUELS,
GASOLINE, AND RAPESEED METHYL ESTER

PAPERS SENT

Transmittal (in dup) w/check for \$1,000.00

International Application and English translation

Preliminary Amendment

Information Disclosure Statement w/PTO-1449 form

International Search Report and 9 references

Express mail EV 786 960 704

Dated: DECEMBER 23, 2005

ERF:reg

DATE DUE: December 24, 2005

IAP10 Rec'd PCT/PTO 23 DEC 2005

19 MAR 2009

CPI



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of :
KOUSEMAKER et al. :
Application No.: 10/562,409 :
PCT No.: PCT/DE2004/000999 :
Int. Filing Date: 13 May 2004 :
Priority Date: 24 June 2003 :
Atty Docket No.:KOUSEMAKER ET AL1-PCT :
For: METHOD FOR . . . METHYL ESTER :

NOTIFICATION

This application is before the Office of PCT Legal Affairs for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 13 May 2004, applicants filed international application PCT/DE2004/000999 which claimed a priority date of 24 June 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2005 (24 December 2005 being a Saturday and 26 December 2005 being a Federal holiday).

On 23 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 08 September 2006, applicants filed a declaration of inventors.

On 25 September 2006, the DO/EO/US issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 08 September 2006 and a 35 U.S.C. 371 date of 08 September 2006.

DISCUSSION

The electronic file wrapper does not include an English translation of the international application as filed. Accordingly, the requirements of 35 U.S.C. 371(c) for entry into the

national stage in the United States of America were not completed as of the 371 dates indicated in the NOTIFICATION OF ACCEPTANCE mailed 25 September 2006. The 25 September 2006 NOTIFICATION OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The NOTIFICATION OF ACCEPTANCE issued 25 September 2006 is VACATED.

Applicants are required to file a translation of the international application as filed into English, and the processing fee of \$130 under 37 CFR 1.492(f) for submitting a translation of the application later than thirty months from the priority date within a time limit of **TWO (2) MONTHS** from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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